

7049.0570 PERIODIC REPORTS ON CONTINUED COMPLIANCE.

Subpart 1. **General requirement.** After the deadline for compliance contained in the categorical pretreatment standard, an industrial user subject to a categorical pretreatment standard shall submit to the control authority periodic reports on continued compliance indicating the nature and concentration of pollutants in the effluent that are limited by categorical pretreatment standards. In cases where the categorical pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the industrial user.

Subp. 2. Frequency of reports.

A. Except as required in this subpart, the periodic reports on continued compliance under subpart 1 must be submitted twice per year, unless required more frequently in the categorical pretreatment standard or by the control authority. Unless otherwise specified by the control authority, the reports must be submitted in June and December. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, and budget cycles, the control authority may agree to alter the months during which the reports in subpart 1 are to be submitted. The control authority may reduce the monitoring frequency to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the agency, when the industrial user meets all of the following conditions:

(1) the industrial user's total categorical wastewater flow does not exceed any of the following:

(a) 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

(b) 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

(c) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by a POTW under part 7049.0650;

(2) the industrial user has not been in significant noncompliance at any time in the past two years;

(3) the industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for the industrial user would result in data that are not representative of conditions occurring during the reporting period according to part 7049.0710; and

(4) the industrial user notifies the control authority immediately of any changes at its facility causing it to no longer meet conditions of subitem (1) or (2). Upon notification, the industrial user shall immediately begin reporting twice annually.

B. The POTW authority shall retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under item A for three years after the expiration of the term of the control mechanism.

Subp. 3. Monitoring waiver.

A. Except as provided in this subpart, reports submitted under this part shall include data for all pollutants limited by the applicable categorical standard. The control authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. A waiver under this item must be issued according to items B to H.

B. The control authority may authorize a waiver when a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

C. The monitoring waiver is valid only for the duration of the effective period of the industrial user's individual control mechanism, but in no case longer than five years. The industrial user shall submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

D. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed according to part 7049.0220 and include the certification statement in part 7049.0590. Nondetectable sample results may only be used as a demonstration that a pollutant is not present if the Environmental Protection Agency-approved method from Code of Federal Regulations, title 40, part 136, with the lowest minimum detection level for that pollutant was used in the analysis.

E. Any grant of the monitoring waiver by the control authority must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the control authority for three years after expiration of the waiver.

F. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the control authority, the industrial user shall certify, with the following statement, on each report that there has been no increase in the pollutant in the industrial user's waste stream due to activities of the industrial user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1)."

G. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user shall immediately comply with the monitoring requirements of part 7049.0570, subparts 1 and 2, or other more frequent monitoring requirements imposed by the control authority, notify the control authority, and monitor for the previously waived pollutant that is found to be present.

H. This subpart does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

Subp. 4. **Flow reporting.** The periodic reports on continued compliance must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge subject to the categorical standards and any other flows necessary to apply the combined waste stream formula as provided in part 7049.0350. The control authority may require more detailed reporting of flows.

Subp. 5. **Mass reporting.** If the control authority has imposed mass limitations on industrial users, the periodic reports on continued compliance shall indicate the mass of pollutants regulated by categorical pretreatment standards in the discharge from the industrial user.

Subp. 6. **Production rate reporting.** Industrial users subject to national categorical pretreatment standards with limits expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, shall submit information on their production rate. For industrial users subject to equivalent mass or concentration limits established by the control authority according to part 7049.0300, subpart 2, for categories with production-based categorical pretreatment standards, the report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to production-based categorical pretreatment standards, the report must include the user's actual production during the reporting period.

Statutory Authority: *MS s 115.03*

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